

..TITLE

Vote to approve a request by F-L Legacy Owner, LLC for subdivision Final Plat review and approval of **The Legacy at Jordan Lake – Phase 3**, consisting of 69 lots on 29.59 acres, located off SR-1716, Big Woods Road, parcels #89438 and #92463.

..ABSTRACT

Action Requested:

Vote to approve a request by F-L Legacy Owner, LLC for subdivision Final Plat review and approval of **The Legacy at Jordan Lake – Phase 3**, consisting of 69 lots on 29.59 acres, located off SR-1716, Big Woods Road, parcels #89438 and #92463.

Introduction & Background:

Zoning: R-1 with a Conditional Use Permit for a Planned Unit Development

Watershed District: WSIV-Protected & Jordan Lake Buffer Area

Water Source: public, Chatham County

Sewer Source: private, waste water treatment plant

Road type: private, paved

Within the 100 year flood plain: No floodable area in Phase 3

Reviewed: Under the pre-2008 Subdivision Regulations

The Legacy at Jordan Lake Subdivision was approved by the Board of County Commissioners on March 15, 2004 as a Planned Unit Development for a cluster development. Modifications were made to the plan in 2005 to add 50.6 acres and increase the number of lots to 463. The project is approved for 463 dwelling units on 626 acres with an amenity center. Phase One received final plat approval in December, 2005 for 105 lots. Phases Two and Three, consisting of 114 lots received preliminary / final plat approval in 2006. In 2011, the developer submitted a request to the Board of County Commissioners to relinquish the final plat approvals for Phases Two and Three (undeveloped); to recombine the 114 lots with the remaining undeveloped portion of the property into one parcel of land containing 402 acres; and to allow Phases Two and Three to revert to their approved preliminary plat status as of November 20, 2006. The BOC approved the request on November 7, 2011. The Resolution Accepting The Voluntary Relinquishment of Final Plat Approvals of The Legacy at Jordan Lake, Phase Two and Three is recorded in Deed Book 1593, Page 272. The recorded recombination plat can be viewed at Plat Slide 2011, Pages 199 & 200 and at Plat Slide 2012, Page 10. The resolution stated that the recreation fees and the water availability fees previously paid by the developer would be retained by the county and credited toward any similar fees incurred by the developer in future submittals until December 31, 2015 or any later date required by an amendment to the Permit Extension Act.

To date 394 lots have received final plat approval. The tennis courts, playground, clubhouse and pool have been completed. The clubhouse and pool opened to the residents on September 9, 2017. *As part of a 2014 CUP revision, the completion date for the entire project was December 31, 2020, this date was extended by the adoption of Senate Bill 704 adopted by the General Assembly and approved by the Governor in response to COVID-19 crisis, to May 31, 2021.*

Discussion & Analysis:

The request before the Board is for final plat approval of The Legacy, Phase 3 consisting of 69 lots on 29.59 acres with a financial guarantee. Phase 3 received preliminary plat approval from the Board of Commissioners on January 21, 2020. The final plat conforms to the approved preliminary plat. The pre-2008 Subdivision Regulations allow a final plat to be submitted with a financial guarantee when a minimum of 40% of the total cost of improvement have been completed and when the public health and/or safety will not be endangered. Mitch Craig, PE, CE Group, submitted a cost letter with the final plat submittal certifying that 57% of the required infrastructure has been completed; that all roadways are private and will be constructed to NCDOT standards; and that the roadways are accessible to emergency vehicles. An updated cost letter may be submitted if additional work has been completed prior to recordation of the final plat to reduce the amount of the financial guarantee. The county attorney will review and approve the form of the contract and financial guarantee.

The roadways in The Legacy at Jordan Lake are private and to be constructed to meet NCDOT's Standards and Specifications, but not reviewed or approved by NCDOT. A third party testing agency has been retained to provide testing and certification. Those records will then be provided to the homeowners association. Per Note 12 on the plat, maintenance of the private roads is the sole responsibility of The Legacy at Jordan Lake HOA, Inc. Per Note 13 the maintenance of all park, common and meadow areas are the sole responsibility of The Legacy at Jordan Lake HOA, Inc.

The Haw River Cemetery is located on an adjacent property north of this phase and the final plat shows the cemetery on the cover sheet.

The Technical Review Committee met on March 17, 2021 to review the request. Staff had no concerns.

The conditions "Final plat 'Site Data' on sheets 2 and 3 shall show 69 residential lots and final plat will provide the third road name where High Woods Ridge and North Crest Drive intersect" have been met.

The submittal meets the requirements of the Subdivision Regulations.

Planning Board:

Planning Board met virtually April 6, 2021. Mr. Mitch Craig, P.E. with CE Group was present. The Planning Board discussion included whether there should be connectivity for future projects and questions about on-street parking. Legacy at Jordan Lake roads are private and it is up to the developer or the HOA whether another development can connect to the private road network. There is no on-street parking and there have not been any parking concerns reported to staff, which is likely due to lot sizes within the community that allow for ample parking. Some board members expressed concern

about steep slopes, stormwater runoff, and only 1/2" of the stormwater runoff is managed.

How does this relate to the Comprehensive Plan:

The property is located in an area designated as Compact Residential. The designation is based on the existing approved Planned Unit Development for a cluster development. Strategy 5.2 of the Comprehensive Land Use Plan

Recommendation:

The Planning Department and Planning Board by a 5-4 vote recommend granting final plat approval of **The Legacy at Jordan Phase 3** with the following conditions:

1. The county attorney shall review and approve the contract and financial guarantee prior to final plat recordation.
2. The final plat shall not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles.